

## **REMARKS**

Claims 1-10 and 13-15 are pending in the application.

The examiner had rejected claims 1, 4-10, and 13-15 under 35 U.S.C. 102(a) as being anticipated by Gardner (US 6,243,476). The examiner further indicated that claims 2 and 3 were objected to as being dependant upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim. Applicants thank the examiner for this indication of allowable subject matter.

The Examiner rejected Applicant's arguments in an advisory Action Mailed on or about August 29, 2005. Applicants have amended claims 1, 5, 7, 8, 9, 13, 14, and 15. Support for these amendments may be found throughout the specification, including the abstract and FIG. 7.

### **Claim Rejections Under 35 U.S.C. §102**

The examiner had rejected claims 1, 4-10, and 13-15 under 35 U.S.C. 102(a) as being anticipated by Gardner (US 6,243,476). For at least the reasons set forth below, applicants believe that the amendments overcome the rejections.

Gardner's shelving filter is used to implement a high frequency gain modification to the synthesized HRTF's to accommodate the rotation of the listener's head (col. 17, lines 1-7; lines 30-35). In Gardner's second embodiment, it is these gain adjustments that are used to maintain the appropriate power ratios for high frequencies to compensate for either variations in the listener's head angle and/or sound panning. But Gardner makes no teaching or suggestion wherein any processing equivalent to high frequency cut filtering is performed for virtual source positions in the rearward hemisphere. Instead Gardner focuses on a new position of the head and updating the power ratios.

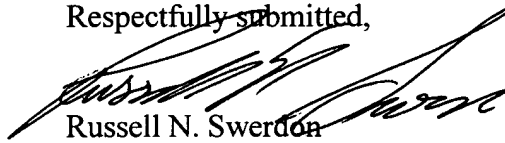
Independent claims 13-15 are submitted to be allowable for the same reasons as discussed above with respect to claim 1. Claims 2-10 depend from claim 1 and are submitted to be allowable for at least their dependencies from an allowable claim.

Moreover, the dependent claims recite additional limitations, and are therefore allowable for these reasons as well. Further discussion of these distinctions is believed unnecessary in light of the distinctions discussed above relative to the independent claims.

**Conclusion**

Accordingly, it is submitted that all issues in the Office Action have been addressed, and withdrawal of the rejections is respectfully requested. Applicants believe that this application is in condition for allowance, and respectfully request a prompt passage to issuance. If the Examiner believes that a telephone conference would expedite the prosecution of this application, he is invited to contact the Applicants' undersigned attorney at the telephone number set out below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Russell N. Swerdon", is written over the typed name.

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